

REMARKS

Applicants have canceled claims 1-14, 18, 20-21 and 30-32.

Applicants have amended claim 23 and corresponding paragraph of the specification to secure substantial correspondence between the specification and the original claim 23.

Further, claims 15-17, 19, 22-30 have been amended to include proper claim language and to secure proper dependency. Supports can be found in corresponding original claims and in the specification (see Page 18, lines 9-10; Page 18, line 27-Page 19, line 4).

New claims 33-36 have been added. Supports can be found in the originally filed claims 19, 23, 25 and 26.

No new matter has been added by these amendments. Entry is believed to be proper and respectfully requested.

Upon entry of the amendments, Claims 15-17, 19, 22-30 and 33-36 are pending. No additional claims fee is believed due.

Response to the Restriction Requirement

The Examiner requires election under 35 U.S.C. §121 to one of the following groups:

Group I: Claims 1-30, drawn to a system, class 068, subclass 005C; and

Group II: Claims 31-32, drawn to a method for treating fabrics, class 008, subclass 142.

The Examiner states that inventions I and II are related as process and apparatus for its practice. The Examiner states that the apparatus as claimed can be used to practice another and materially different process, such as a process of cleaning semiconductor substrates. Thus, the inventions are distinct and have acquired separate status in the art, as shown by their different classifications, and the search required for Group I is not required for Group II.

Applicants respectfully traverse.

Election with Traverse

In a telephonic conversation with Applicants' representative, Mr. C. Brant Cook, on January 16, 2003, a provisional election was made, with traverse, to prosecute Group I, claims 1-30.

Applicants' traversal is based on MPEP §803, which sets forth the criteria for restriction as following:

There are two criteria for a proper requirement between patentably distinct inventions:

- (1) The invention must be independent or distinct as claimed; and
- (2) There must be a serious burden on the examiner if restriction is not required.

(Citations omitted and Emphasis added)

Applicants submit that the claims are related in so far as they all contain a system comprising at least a gas sensor. In fact, the system is the novel feature in both groups of claims.

Additionally, Applicants submit that the scope of searches for both claim groups is coextensive. That is, a thorough patentability search for both claim groups will require searching those classes/subclasses relating to a system comprising at least a gas sensor. Therefore, Applicants respectfully submit that there is no serious burden on the Examiner if restriction is not required, and that prosecution of claims from both groups of claims in a single application is permitted and would indeed be appropriate in the present case.

However, in a desire to expedite prosecution of the present application, Applicants hereby confirm the election, with traverse, of Group I, claims 1-30. Accordingly, non-elected claims 31-32 are canceled without prejudice.

Oath/Declaration

The Examiner states that the declaration is defective.

A new declaration identifying the present application by its serial number and filing date is submitted herewith.

Claim Objections

The Examiner objects to claims 2-7, 10-13, 16-23 and 26-29 under 37 CFR 1.7(c) as being of improper dependency for failing to further limit the subject matter of a previous claim. Specifically, the Examiner states that these claims fail to provide further structural limitations to the claimed apparatus. Accordingly, these claims have not been examined on the merits.

Applicants submit that, by the present amendment, proper dependency for claims 16-23 and 26-29 is secured.

Claims 2-7 and 10-13 have been canceled; thus, the objections are moot.

Applicants respectfully request the Examiner to withdraw the objections and examine the remaining claims on the merits.

Claim Rejections under 35 USC 112

The Examiner rejects claims 8-9 and 23-25 under 35 USC 112, second paragraph as being indefinite. Specifically, the claim language "consisting essentially of" is an improper Markush-type claim.

Claims 8-9 have been canceled; thus, the rejection is moot. Claims 23-25 have been amended by removing the term “essentially” from the claim language; thus, the rejection has been overcome.

Applicants respectfully request withdrawal of the rejections.

Claim Rejections under 35 USC 102

The Examiner rejects claims 1 and 8-9 under 35 USC 102(b) as being anticipated by Hubner (US 4,111,034). The Examiner states that Hubner discloses a solvent controlling/monitoring system in a dry cleaning apparatus; the system uses a metal oxide semiconductor sensor 32.

The Examiner also rejects claims 1, 8-9, 15 and 24-25 under 35 USC 102(b) as being anticipated by Naya et al. (JP 01-277600). The Examiner states that Naya et al. discloses a dry cleaning drying control system that controls the drying cycle by determining the terminal point in drying operation; the system uses a semiconductor gas sensor for dry cleaning solvent vapor which is controlled by a temperature condition detector.

Applicants respectfully traverse.

Claims 15, 30 and their dependent claims include an activation means or a condition sensor for “activating” the gas sensor (i.e., to start the gas sensor when certain conditions are met). Hubner and Naya et al. merely disclose drying control systems using a sensor for sensing the solvents. Applicants submit that Hubner or Naya et al. does not disclose an activation means for starting the sensor when certain conditions are met. Thus, the rejections have been overcome.

Claims 1,8-9 have been canceled; thus, the rejection is moot.

Accordingly, Applicants respectfully request withdrawal of these rejections.

Claim Rejections under 35 USC 103

The Examiner rejects claims 14 and 30 under 35 USC 103 as being unpatentable over Naya et al. as applied above, and in view of Applicants’ admitted prior art of a commercially available “dual mode” apparatus.

Applicants respectfully traverse.

Applicants submit that, based on the reason presented in the above section, Naya et al. in combination with a dual mode drying apparatus does not render the presently claimed system obvious.

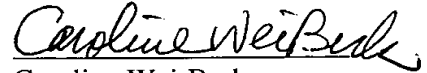
Claim 14 has been canceled; thus, the rejection is moot.

Accordingly, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

Applicants believe that the above represents a complete response to the Office Action. Withdrawal of objections and rejections and examination of all remaining claims on the merits are respectfully requested.

Respectfully submitted,



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